

REMARKS

Status of the application

Claims 1-39 are all the claims pending in the application. Claims 1, 5-7, 9, 13-15, 17, 20-21, and 25-26 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Tsukishima et al. (hereinafter Tsukishima) (U.S. 6,647,304). Claims 2-4, 10-12, 18-19, 22 and 24 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tsukishima in view of LaFata et al. (hereinafter LaFata) (U.S. 5,603,201). Claims 8 and 16 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tsukishima in view of Hadjigeorgis (U.S. 2002/0152118). Claims 23 and 27 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tsukishima in view of Official Notice. Claims 28-39 are new.

Claims 1-35

Claim 1 recites “a product sale information generation unit, which generates information for selling said electronic equipment as used electronic equipment; wherein said information for selling comprises information for a used product warranty based on the length of time that said product has been used”. This is not taught or suggested by the cited references. Tsukishima does not disclose or suggest generating warranty information based on the length of time that said product has been used for selling said electronic equipment as used electronic equipment.

In contrast, the system of Tsukishima discloses a system for creating a website for the purchaser of various products to have information on those various products on a home page (see FIG. 2). While Tsukishima teaches making sales conditions and sales price on the used product market available for those products, there is no coordination between the potential seller and the manufacturer in the system of Tsukishima to resell a product, as would be needed to offer a

warranty on a used product for sale. Such an individual wishing to sell a used product can obtain the market price for such a product, but can not offer a used product warranty. Therefore, one of skill in the art in possession of Tsukishima would not be motivated to alter Tsukishima to include “a product sale information generation unit, which generates information for selling said electronic equipment as used electronic equipment; wherein said information for selling comprises warranty information based on the length of time that said product has been used”.

Claim 1 is therefore patentable over the cited references. Claims 9 and 17 recite analogous features and are therefore analogously patentable. The remaining claims, except for claims 36-39, are patentable at least due to their dependencies.

Claim 2

Claim 2 recites “A system as recited in claim 1, wherein said part is a packing box for packing said electronic equipment”. Thus the packing box is sent by a manufacturer to the shop, where the used electronic equipment has been brought in.

In the office action of July 18, the Examiner asserts that it would have been obvious to include this in the system of Tsukishima “to prevent damage on the product” (page 6). However, this is deficient for two reasons. First, the packing box is sent from the manufacturer to the shop where the electronic equipment has been brought in; therefore, the electronic equipment is not sent in the box to the shop, but is already in the shop. The Examiner’s motivation to alter Tsukishima is not consistent with the claim language. Second, there is no sending of products in the system of Tsukishima. Therefore, if a box were present in the system of Tsukishima, it is not clear what function it would have. There is no sending of products in Tsukishima. The only sending the Examiner refers to is electronic sending of an electronic version of a manual posted on a website, which obviously does not need a box (col. 4, l. 34 - col. 5, l. 17; office action, page

3). It therefore would not have been obvious to one of skill in the art to use a box in the system of Tsukishima. In particular, a “manufacturer sending a part corresponding to identified said model to said shop ... wherein said part is a packing box for packing said electronic equipment”, would not have been obvious to one of ordinary skill in the art practicing Tsukishima.

Applicant therefore respectfully submits that claim 2 is additionally patentable over the cited references.

Claim 36

Claim 36 recites the major elements in means plus function language under 35 U.S.C. § 112, sixth paragraph. Thus, the claim scope during prosecution encompasses the corresponding structure in the specification and equivalents (MPEP § 2181). Claim 36 recites “means for identifying a model of said electronic equipment based on said product data, and said manufacturer sending a part corresponding to identified said model to said shop.” The correspond structure for this feature includes a model search device on a sales management server that receives product data and searches for a corresponding model of the electronic equipment (published application, paragraph [0031]). One of skill in the art would understand that such a search device could be implemented for example by a database linking product data from the electronic equipment with model of the electronic equipment. In contrast, the Examiner asserts this feature is disclosed in Tsukishima by a customer database, which allows one to find various parts that comprise a product by using a product number (col. 4, lines 49-54). This is not an equivalent function, and the corresponding structure (such as the search algorithm) would not be equivalent. Furthermore, the result is not equivalent: the present model search device would allow one to find a model of a product when the model was not known before, whereas the database of Tsukishima would allow one to find the subcomponents of a product.

Applicant therefore respectfully submits that claim 36 is therefore patentable over the cited references. Claims 37-39 are patentable at least due to their dependencies.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Peter W. Bradford
Registration No. 59,080

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: November 18, 2008